



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,151	12/27/2001	Lorenzo Mendizabal	Hartford-9	1595

45722 7590 01/11/2007  
PLEVY & HOWARD & DARCY P.C.  
P.O. BOX 226  
Fort Washington, PA 19034

EXAMINER
----------

LANEAU, RONALD

ART UNIT	PAPER NUMBER
----------	--------------

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/034,151

Applicant(s)

MENDIZABAL ET AL.

Examiner

Ronald Laneau

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 14 and 22-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 14, 22-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

1. The amendment filed on 10/20/06 has been entered. Claims 22-38 are added and claims 1, 14 and 22-38 are now pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 14 and 22-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodwin et al (US 2003/0220867 A1) in view of McAfee et al (US 6,718,312 B1) and further in view of Li (US 6,453,303 B1).

As per claims 1, 14, 24-26, 28, 29 and 33-38, Goodwin discloses a computer method of auctioning at least one claim or asset in bankruptcy over a communication network, said method comprising the steps of: identifying potential buyers for said at least one claim or asset using at least one of a plurality of factors, the factors comprising previous purchasing behavior, industry links, and market research (page 7, [0101]); notifying selected ones of the potential buyers of the availability of said at least one claim or asset (page 10, box [0118]); registering ones of said buyers who have expressed an interest in bidding on said at least one claim or asset (page 11, box [0131]); obtaining bids from said registered buyers over the network (page 1, boxes [0003], [0004]); and accepting a highest one of said bids if said highest one of said bids satisfies a predetermined criteria and notifying said registered buyer from which said highest one of said

Art Unit: 3714

bids was obtained of the acceptance thereof; or rejecting said bids if said bids do not satisfy said predetermined criteria (page 9, box [0110]). Goodwin does not explicitly disclose determining a market value but McAfee discloses determining a market value of said at least one claim or asset using historical data of same or similar claims or assets; dynamically adjusting said market value based on known factors (col. 5, lines 19-45). Neither Goodwin nor MacAfee discloses an historical data of sales of claims or assets but Li is used to disclose said determining comprising: accessing historical data of sales of claims or assets previously recorded, determining a claim or asset unit value based on said historical data, and formulating said market value based on said claim or asset unit value and number of said claims or assets available (col. 6, line 66 to col. 7, line 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the fair market value as taught by McAfee into the system of Goodwin because it would provide sophisticated, underlying analytical valuation system that can generate the consistent, dependable values needed for reliable financial markets. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the historical data of sales as taught by Li into the combined systems of Goodwin and McAfee because it would automatically provide market commentary for all desirable financial assets and also provide timely updates to the market commentary on a real time basis.

As per claims 22, 23, and 27, Goodwin discloses a method wherein the step of determining a market value comprises: accessing historical data of sales of claims or assets previously recorded (page 5, box [0083]); determining an asset unit value based on said historical data; and formulating said market value based on said asset unit value and number of

Art Unit: 3714

assets available (page 4, [0107]). Neither Goodwin nor McAfee discloses an asset unit value that is determined as a weighted average and wherein said weights are determined in accordance with factors selected from the group comprising: number of assets, duration of sale, or date of sale but it is rather quite obvious that that Goodwin's system is capable of determining the asset value base on factors such as number of assets, duration of sale, or date of sale as claimed.

As per claims 31 and 32, Goodwin discloses a system comprising at least one input/output device interposed between said communication network and said processor to provide information items from said network to said processor and from processor to said network (see fig. 1), a system that comprises an Internet (see abstract).

#### ***Response to Arguments***

4. Applicant's arguments filed on 5/19/06 have been fully considered but they are not persuasive.

Applicant's arguments about the newly added limitations are moot in view of the newly found reference which discloses such features. Claims 1, 14 and 22-38 are rejected.

#### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 3714

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/034,151

Page 6

Art Unit: 3714

*Ronald Laneau*

Ronald Laneau  
Primary Examiner  
Art Unit 3714

1/8/07

rl